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Promotion and protection of the rights of children

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Rights of the child

The General Assembly,

Reaffirming all its previous resolutions on the rights of the child in their entirety, the most recent of which is resolution 64/146 of 18 December 2009,

Emphasizing that the Convention on the Rights of the Child[1] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[2] and calling for their universal ratification, as well as of other human rights instruments,

Recalling specific provisions on the promotion and protection of the rights of the child in other human rights instruments, such as the Convention on the Rights of Persons with Disabilities,[3] the International Convention for the Protection of All Persons from Enforced Disappearance[4] and the International Convention on the protection of the Rights of All Migrant Workers and Members of Their Families,[5]

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vols. 2171 and 2173, No. 27531.
[3] Resolution 61/106, annex I.
[4] Resolution 61/177, annex.
[5] Resolution 45/158.

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Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Reaffirming also the Vienna Declaration and Programme of Action,[6] the United Nations Millennium Declaration[7] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[8] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[9] the Dakar Framework for Action adopted at the World Education Forum,[10] the Declaration on Social Progress and Development,[11] the Universal Declaration on the Eradication of Hunger and Malnutrition,[12] the Declaration on the Right to Development,[13] the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children,[14] held in New York from 11 to 13 December 2007, and the outcome of the High-level Plenary Meeting on the Millennium Development Goals, held in New York from 20 to 22 September 2010,

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[15] and on the status of the Convention on the Rights of the Child[16] and the issues addressed in Assembly resolution 64/146, as well as the report of the Special Representative of the Secretary-General on violence against children[17] and the priorities set out therein for the prevention and elimination of all forms of violence against children, and the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[18] whose recommendations should be carefully studied, taking fully into account the views of Member States, and taking note also of the report of the Secretary-General on children and armed conflict,[19]

Acknowledging the important role played by national governmental structures for children, including, where they exist, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Taking note with appreciation of the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the

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[6] A/CONF.157/24 (Part I), chap. III.

[7] See resolution 55/2.

[8] Resolution S-27/2, annex.

[9] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[10] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[11] See resolution 2542 (XXIV).

[12] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[13] Resolution 41/128, annex.

[14] See resolution 62/88.

[15] A/65/226.

[16] A/65/206.

[17] A/65/262.

[18] A/65/219.

[19] A/64/742-S/2010/181.

United Nations system, within their respective mandates, and relevant mandate holders and special procedures of the United Nations, as well as relevant regional organizations, where appropriate, and intergovernmental organizations, and recognizing the valuable role of civil society, including non-governmental organizations,

Profoundly concerned that the situation of children in many parts of the world has been negatively impacted by the world financial and economic crisis, and reaffirming that eradicating poverty continues to be the greatest global challenge facing the world today, recognizing its impact beyond the socio-economic context,

Profoundly concerned also that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, lack of access to safe drinking water and to improved sanitation, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, trafficking in children and their organs, all forms of exploitation, sexual exploitation of children, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Deeply concerned that globally 8.1 million children under five years of age died from preventable causes in 2009; that in developing countries more than a third of the children under five suffer from stunting and a quarter suffer from underweight and severe malnutrition before they enter primary school with, in some cases, irreparable damages to their cognitive development and long-term impacts on their physical health and development,

Deeply concerned also that in many countries early childhood care and education programmes are not widespread, limiting the outcomes of schooling and reducing prospects for realizing children's development to their fullest potential,

Gravely concerned about the devastating impact of major natural disasters on children, their effects on the enjoyment of the rights of the child, and on their future development,

Reaffirming its resolution 64/290 of 9 July 2010, entitled "The right to education in emergency situations",

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Commemorates* the tenth anniversary of the adoption of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict,[2] and takes this opportunity to call for the effective implementation of the Convention[1] and its Protocols[2] by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms;

2. *Reaffirms* paragraphs 1 to 8 of its resolution 63/241, and urges States that have not yet done so to become parties to the Convention[1] and the Optional

Protocols thereto[2] as a matter of priority and to implement them fully, and welcomes the efforts of the Secretary-General to promote the universal ratification of the Optional Protocols to the Convention on the Rights of the Child;[2]

3. *Calls upon* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[6]

4. *Encourages* States parties, in implementing the provisions of the Convention[1] and the Optional Protocols thereto,[2] to take duly into account the recommendations, observations and general comments of the Committee on the Rights of the Child, including, inter alia, general comment No. 7 (2005), entitled "Implementing child rights in early childhood";[20]

5. *Welcomes* actions of the Committee to monitor and to follow up the implementation by State parties of the Convention, and notes with appreciation its actions to follow up on its concluding observations and recommendations, and in this regard underlines in particular the regional workshops and the participation of the Committee in national-level initiatives;

6. *Notes with interest* the process of elaboration of an optional protocol to the Convention on the Rights of the Child to provide a communication procedure complementary to the reporting procedure under the Convention on the Rights of the Child;[1]

II
Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

7. *Reaffirms* paragraphs 9 to 11 of its resolution 63/241, and calls upon States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

Registration, family relations and adoption or other forms of alternative care

8. *Also reaffirms* paragraphs 12 to 16 of its resolution 63/241, and urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child[1] to protect children in matters relating to registration, family relations and adoption or other forms of alternative care, and, in cases of international parental or familial child abduction, encourages States to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

9. *Welcomes* the Guidelines for the Alternative Care of Children,[21] as a set of orientations to help inform policy and practice, and encourages States to take them into account and to bring them to the attention of the relevant executive, legislative and judiciary bodies of government, human rights defenders and lawyers, the media and the public in general;

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[20] CRC/C/GC/7/Rev.1.

[21] Resolution 64/142, annex.

Economic and social well being of children, eradication of poverty, right to education, right to enjoyment of the highest attainable standard of physical and mental health and right to food

10. *Reaffirms* paragraphs 17 to 26 of its resolution 63/241, paragraphs 42 to 52 of its resolution 61/146 of 19 December 2006, on the theme of children and poverty, and paragraphs 37 to 42 of its resolution 60/231 of 23 December 2005, on the theme of children infected with and affected by HIV/AIDS, and calls upon all States and the international community to create an environment in which the well being of the child is ensured, including by strengthening international cooperation in this field and by implementing their previous commitments relating to poverty eradication, the right to education, including human rights education, in accordance with the evolving capacities of the child, the right to the enjoyment of the highest attainable standard of physical and mental health, including efforts to address the situation of children living with or affected by HIV/AIDS and to eliminate mother-to-child transmission of HIV, the right to food for all and the right to an adequate standard of living, including housing and clothing;

11. *Recognizes* the threat to the achievement of the internationally agreed development goals, including the Millennium Development Goals, posed by the effects of the global financial and economic crisis, which is connected to multiple, interrelated global crises and challenges, such as the food crisis and continuing food insecurity, volatile energy and commodity prices and climate change, and calls upon States to address, in their response to crisis, any impact on the full enjoyment of the rights of children;

Elimination of violence against children

12. *Reaffirms* paragraphs 27 to 32 of its resolution 63/241 and paragraphs 47 to 62 of its resolution 62/141 of 18 December 2007, on the theme of elimination of violence against children, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 27 of its resolution 63/241;

13. *Encourages* all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on violence against children, and provide support, including financial support, to her for the effective and independent performance of her mandate, as set out in resolution 62/141;

14. *Notes with appreciation* the consolidated partnerships promoted by the Special Representative of the Secretary-General on violence against children in coordination with Member States, national Governments, United Nations agencies, human rights bodies and mechanisms, representatives of civil society and children themselves, as well the organization of an expert consultation on safe and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidences of violence;

15. *Recalls* Human Rights Council resolution 13/20 of 26 March 2010, entitled "Rights of the child: the fight against sexual violence against children";

Promoting and protecting the rights of children, including children in particularly difficult situations

16. *Reaffirms* paragraphs 34 to 42 of its resolution 63/241, and calls upon all States to promote and protect all human rights of all children in particularly difficult situations and to implement programmes and measures that provide them with special protection and assistance, including access to health care, education and social services, as well as, where appropriate and feasible, voluntary repatriation, reintegration, family tracing and family reunification, in particular for children who are unaccompanied, and to ensure that the best interests of the child are accorded a primary consideration;

Children alleged to have infringed or recognized as having infringed penal law and children of persons alleged to have infringed or recognized as having infringed penal law

17. *Also reaffirms* paragraphs 43 to 47 of its resolution 63/241, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

Prevention and eradication of the sale of children, child prostitution and child pornography

18. *Further reaffirms* paragraphs 48 to 50 of its resolution 63/241, and calls upon all States to prevent, criminalize, prosecute and punish all forms of sale of children, including for the purposes of transfer of organs of the child for profit, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, with the aim of eradicating those practices and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the needs of victims effectively and take effective measures against the criminalization of children who are victims of exploitation;

19. *Calls upon* all States to develop and implement programmes and policies to protect children from commercial sexual exploitation, child prostitution, child pornography and child sex tourism and from child abduction, and also calls upon States to implement strategies to locate all missing children and assist them;

20. *Also calls upon* all States to enact and enforce necessary legislative or other measures, in cooperation with relevant stakeholders, to prevent the distribution over the Internet and in all other media of child pornography, including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable reporting and removal of such material and that its creators, distributors and collectors are prosecuted, as appropriate;

21. *Reaffirms* the United Nations Convention against Transnational Organized Crime[22] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations

[22] United Nations, *Treaty Series*, vol. 1249, No. 20378.

Convention against Transnational Organized Crime,[23] and welcomes the adoption of the United Nations Global Plan of Action against Trafficking in Persons;[24]

Children affected by armed conflict

22. *Reaffirms* paragraphs 51 to 63 of its resolution 63/241, condemns in the strongest terms all violations and abuses committed against children affected by armed conflict, and in this regard urges all States and other parties to armed conflict that are engaged, in contravention of applicable international law, including humanitarian law, in recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, as well as in all other violations and abuses against children, to take time-bound and effective measures to end them, and urges all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to continue to give serious attention to, and to protect and assist child victims of, all violations and abuses committed against children in situations of armed conflict, in accordance with international humanitarian law, including the First to Fourth Geneva Conventions;[25]

23. *Also reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict, and also notes the activities undertaken by the Peacebuilding Commission, within its mandate, in areas that promote and contribute to the enjoyment of the rights and welfare of children;

24. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005, the adoption of Council resolution 1882 (2009) on 4 August 2009 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with those resolutions, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective, reliable and verifiable, and in this regard encourages the work and the deployment, as appropriate, of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

Children affected by natural disasters

25. *Appeals* to all Member States and all relevant organs and bodies of the United Nations system, as well as the international financial institutions and development agencies, to provide speedy, sustainable and adequate support for the relief, early recovery, rehabilitation, reconstruction and development efforts of all countries affected by major natural disasters, and further calls on all States thus affected and the United Nations system to make all efforts to ensure that human rights in general and child rights in particular are mainstreamed in these efforts;

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[23] Ibid., vol. 2237, No. 39574.

[24] Resolution 64/293.

[25] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

Child labour

26. *Reaffirms* paragraphs 64 to 80 of its resolution 63/241, on the theme of child labour,[26] and calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to eliminate immediately the worst forms of child labour;

27. *Notes with interest* the outcome of the Hague Global Child Labour Conference, including the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016;

The right of the child to express his or her views freely in all matters affecting him or her

28. *Reaffirms* paragraphs 24 to 33 of its resolution 64/146, on the right of the child to express his or her views freely in all matters affecting him or her, urges all States to implement the measures set out in paragraph 33 of its resolution 64/146, and recognizes that even the youngest children are entitled to express their views, that they are acutely sensitive to their surroundings and that they make choices and communicate their feelings, ideas and wishes in numerous ways;

29. *Calls upon* all States to address all the root causes preventing children from exercising their right to be heard and to be consulted on matters affecting them; inform children, parents, guardians, other caregivers and the general public about the rights of the child; and raise awareness of the importance and benefits of the participation of children in society, including through partnerships with civil society, the private sector and the media, while being attentive to their influence on children;

III
Implementing child rights in early childhood

30. *Recognizes* that although definitions of early childhood vary in different countries and regions, according to local traditions and the organization of primary school systems, early childhood encompasses all stages of a young child's life until and during his or her transition to school;

31. *Reaffirms* that the child is the holder of all rights enshrined in the Convention on the Rights of the Child[1] and that early childhood is a critical period for the realization of these rights;

32. *Recognizes* that the full realization of children's rights requires the adoption and the implementation of comprehensive policies and programmes for early childhood at the national level, and, in this regard, encourages States to increase and implement measures towards this goal, including, as appropriate, with the support of international cooperation;

[26] As defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

33. *Also recognizes* that the full enjoyment of the rights in early childhood requires adults to adopt a comprehensive and appropriate child-centred attitude based on a framework of laws, policies and community-based services;

34. *Further recognizes* that during early childhood, children have particular physical and emotional requirements and are entitled to special protection measures and the opportunity to progressively exercise their rights in a manner consistent with their age, maturity and evolving capacities;

35. *Recognizes* that during their early childhood, children are dependent on others to offer protection and to promote their best interests and that, in many cases, they are more vulnerable to disease, trauma and violence, including neglect, injury, maltreatment and abuse, including physical and mental violence, and other obstacles to their development, and are especially at risk of discrimination;

36. *Reaffirms* that the eradication of poverty is essential to the achievement of all the Millennium Development Goals and the full realization of the rights of all young children, and expresses deep concern that malnutrition and preventable diseases continue to be major obstacles to realizing rights in early childhood, in particular the right to life, to development and to food, and recognizes the needs to reduce child mortality and ensure holistic child development;

37. *Emphasizes* that full realization of the rights of all children, particularly the rights to survival and development and to reach their full potential, depends also on good maternal health, including physical and mental health, nutrition and education;

38. *Recognizes* that any form of discrimination against young children reduces their survival prospects and quality of life and that their rights have to be ensured without discrimination of any kind;

39. *Also recognizes* that the family has the primary responsibility for the upbringing and development of young children and that the State and the community as a whole should support parents, families, legal guardians and caregivers to care for early childhood;

40. *Reiterates* that all States should continue to use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of their children;

41. *Recognizes* that, in ensuring the exercise by young children of their rights, States shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community, as provided for by local custom, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the age, maturity and evolving capacities of the child, appropriate direction and guidance;

42. *Reiterates* that all institutions of society should respect children's rights, including during their early childhood, and secure their well-being and that relevant institutions should render appropriate assistance to parents, families, legal guardians and other caregivers;

43. *Recognizes* that a child who is temporarily or permanently deprived of his or her family environment, or in whose own best interest cannot be allowed to remain in that environment, shall be entitled to special protection and assistance

provided by the State, and reaffirms that States shall ensure adequate alternative care for such a child in accordance with their national laws, preferably in the form of family-type care;

44. *Also recognizes* that the right to education is especially important during early childhood and it is closely linked to young children's right to maximum development, that the goal of education shall be to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence and that this must be achieved in ways that are developmentally appropriate, child-centred, child-friendly and reflect the rights and inherent dignity of the child;

45. *Acknowledges* the need to enhance efforts aimed at expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children, taking into account the evidence that good quality early childhood care and education, both in families and in more structured programmes, have a positive impact on the survival, growth, development and learning potential of children;

46. *Welcomes* the realization of the first World Conference on Early Childhood Care and Education, held in Moscow from 27 to 29 September 2010, convened by the United Nations Educational, Scientific and Cultural Organization, and encourages Member States to study its outcomes and recommendations;

47. *Calls upon* all States to take effective measures to implement child rights in early childhood, in particular:

(a) To ensure that the rights of young children are fully respected without discrimination on any grounds, by adopting and/or continuing to implement regulations and arrangements that ensure the full enjoyment of all their rights, such as the rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education, development, participation and play and the right to not be separated from their parents, and to provide special support and assistance to young children suffering from discrimination, in order to ensure their integration and the equal realization of their rights, and ensure that children are protected against all forms of discrimination;

(b) To adopt, implement and strengthen policies aimed at ensuring universal access to quality and affordable services, especially health, nutrition, education, welfare, social protection, safe drinking water and sanitation and other services that are essential for the child's full enjoyment of life, and, in this regard, pay particular attention to the most vulnerable groups of young children and to those who are at risk of discrimination, including girls, children living in poverty, children with disabilities, children belonging to indigenous or minority groups, children from migrant families, children who are orphaned or lack parental care for other reasons, children living in institutions, children living with mothers in prison, refugee and asylum-seeking children, children infected with or affected by HIV/AIDS, and children of alcohol- or drug-addicted parents;

(c) To scale-up efforts towards poverty eradication, including for families with children in early childhood so as to help ensure a basic standard of living for young children consistent with their rights;

(d) To take measures to improve prenatal and perinatal care for mothers and babies, reducing infant, child and maternal mortality, such as improving the access to health-care systems, including for sexual and reproductive health, the distribution and use of insecticide-treated nets, vaccination campaigns, the prevention of mother-to-child transmission of HIV/AIDS, and the strengthening of international cooperation and technical assistance urgently required in developing countries to reduce maternal mortality and morbidity and improve maternal and newborn health;

(e) To scale-up efforts significantly towards the goal of universal access to comprehensive prevention programmes, treatment, care and support to prevent the spread of the HIV epidemic and alleviate and control the detrimental impact of HIV/AIDS on children and including taking all appropriate measures to prevent infection of young children by parents with HIV/AIDS by intervening in chains of transmission, provide accurate diagnosis and effective treatment including antiretroviral therapies and ensure adequate alternative care for children who have lost parents or other primary caregivers to HIV/AIDS;

(f) To increase national and international efforts to improve the accessibility to and availability of affordable, quality and effective medicines and generics, in particular for the treatment of children in their early childhood;

(g) To ensure that institutions, services and facilities responsible for early childhood comply with national quality standards, especially in the areas of health and social protection, and develop training programmes to ensure a quality, suitable and well-trained work force;

(h) To take all necessary measures to ensure that the child will be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents, by promoting universal access to birth registration, ensuring an effective, flexible and accessible system of registration, and States should implement these rights in accordance with their national law and their obligations under the relevant international instruments in this field;

(i) To take appropriate measures to ensure the full realization of the right to education on the basis of equal opportunity for every child, including by providing accessible, free and compulsory primary education directed to the development of the personality, talents and mental and physical abilities of the child to his or her fullest potential and to improve coordination between primary education, early childhood care and education services to ensure a better transition to primary school;

(j) To develop care and educational networks for early childhood with necessary regulations and appropriate quality, provided by a combination of governmental, community and civil society institutions, and ensure that parents, particularly working parents, are provided appropriate support in order for their children to fully benefit from such programmes, especially those from the poorest and most vulnerable groups;

(k) To support early-childhood development programmes implemented through home- and community-based preschool programmes;

(l) To promote greater understanding and recognition that children's caregiving is a critical societal function and should be equally shared between women and men within the family and households;

(m) To promote and expand comprehensive early childhood care and education strategies, which acknowledge a key role for parents, wider family and community, as well as the contribution of organized programmes of early childhood education provided by the State, the community or civil society institutions, including private education institutions; formulate and implement early childhood holistic care and education policies; enhance information and training for parents and other caregivers in better child care and in understanding their role in children's early education; and promote the training of professionals working in areas related to early childhood education;

(n) To take effective measures to allow all children, including those living outside their communities, to have access, when possible, to education in their own culture and their own language;

(o) To ensure that young children with disabilities have equal opportunities to participate fully in education and community life, including the removal of barriers that impede the realization of their rights and fostering at all levels of the education system, including all children from an early age, an attitude of respect for the rights of persons with disabilities;

(p) To take decisive steps to develop human rights education strategies to be applied from early childhood, at home, in childcare centres and in early education programmes, in order to promote awareness and empowerment of children with respect to their rights and responsibilities, including through the implementation of the World Programme for Human Rights Education;[27]

(q) To encourage the United Nations system to support national initiatives that give more emphasis to early childhood development and early learning, the mainstreaming of child-friendly schools, paying attention to the needs of early childhood with disabilities, and feeding programmes;

(r) To adopt measures to promote and protect the right of the young child to rest and leisure, to engage in play and recreational activities appropriate to his or her age and to participate freely in cultural life and arts;

(s) To develop strategies for the prevention and elimination of all forms of violence against children by adopting appropriate policy measures aimed at, inter alia, raising awareness, capacity-building for professionals working with and for young children, supporting effective parenting programmes, fostering research and developing and implementing national monitoring tools to periodically assess progress;

(t) To take steps to design and implement preventive and comprehensive anti-bullying policies, including in educational settings, that address bullying and peer-directed aggression during early childhood and that include the training of early childhood educators and family members and raising awareness of this matter among children;

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[27] Resolution 59/113 A.

(u) To take all necessary measures to address the situation of young children growing up in difficult circumstances that are in violation of their rights, who are in need of special protection, with a view to promoting physical and psychological recovery and social integration within an environment that encourages dignity and self-respect;

(v) To develop or enhance early childhood programmes targeted at families facing especially difficult circumstances, including families headed by women or children and those belonging to vulnerable discriminated groups, families living in extreme poverty and families caring for children with disabilities;

(w) To strengthen efforts to implement programmes for realizing child rights in early childhood with equity, involving the support of Governments, international actors and donors institutions, and the private sector through the development of early childhood programmes, and increase the efforts of the international community to improve cooperation to assist developing countries in achieving all internationally agreed development goals, including the Millennium Development Goals;

(x) To develop or enhance programmes to support parents and other caregivers in their child-rearing role through investments in health care, education and social welfare services, including quality early childhood development programmes, home visitation, pre- and post-natal services and income-generation programmes for disadvantaged groups;

(y) To ensure that funding for holistic early childhood development programmes is considered during resources allocation and that policies and programmes, services and professional training are fully implemented;

(z) To develop, strengthen and implement national systems for collecting, monitoring and evaluating data on relevant aspects of early childhood, including neonatal, infant and under-five mortality rates and national data on the development of young children, disaggregated by relevant variables;

48. *Calls upon* all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in ensuring the realization of the rights of the child in early childhood;

49. *Calls upon* the relevant entities, funds and programmes of the United Nations system, donors institutions, including the international financial institutions, and bilateral donors to support early childhood development programmes financially and technically, as well as to enhance effective international cooperation and partnership to strengthen capacity-building for early childhood, in terms of policy development, programme development, research and professional training, and to consider them among the targets in assisting sustainable development in countries receiving international assistance, upon their request;

IV
Follow-up

50. *Decides*:

(a) To request the Secretary-General to submit to the General Assembly at its sixty-sixth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child[1] and the

issues addressed in the present resolution, with a focus on the rights of children with disabilities;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on violence against children to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in discharging their mandate, including information on their field visits and on the progress achieved and the challenges remaining in their respective areas of work;

(c) To request the Special Rapporteur on the sale of children, child prostitution and child pornography to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(d) To invite the Chair of the Committee on the Rights of the Child to continue to submit reports on the work of the Committee to the General Assembly at its sixty-sixth session as a way to enhance communication between the Assembly and the Committee;

(e) To continue its consideration of the question at its sixty-sixth session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on the rights of children with disabilities.

United Nations A/C.3/65/L.22

General Assembly

Distr.: Limited
18 October 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 65 (a) and (b)

Indigenous issues

Second International Decade of the World's Indigenous People

Bolivia, Ecuador, Guatemala, Mexico and Nicaragua: draft resolution

Indigenous issues

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples,

Recalling also its resolution 59/174 of 20 December 2004 on the Second International Decade of the World's Indigenous Peoples (2005-2015),

Recalling further the 2007 United Nations Declaration on the Rights of Indigenous Peoples,[1]

Recalling the 2005 World Summit Outcome,[2] and the outcome document of the 2010 high-level plenary meeting on the Millennium Development Goals,[3]

Recalling also Human Rights Council resolution 15/14 of 30 September 2010, by which the Council decided to extend the mandate of the Special Rapporteur on the rights of indigenous peoples, and resolution 15/7, of 30 September 2010, on human rights and indigenous peoples,

Taking note of the first Peoples' World Conference on Climate Change and the Rights of Mother Earth, held in Tiquipaya, Cochabamba, Plurinational State of Bolivia, from 20 to 22 April 2010,

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators, and about the impediments to their full enjoyment of their individual and collective rights,

[1] Resolution 61/295, annex.
[2] See resolution 60/1.
[3] A/65/L.1.

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1. *Welcomes* the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples;[4]

2. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations;[5]

3. *Decides* to approve the expansion of the mandate of the United Nations Voluntary Fund for Indigenous Populations in order to facilitate the participation of representatives of indigenous peoples' organizations in sessions of the Human Rights Council and of human rights treaty bodies;

4. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Populations and the United Nations Voluntary Fund for the Second Decade, and invites indigenous organizations and private institutions and individuals to do likewise;

5. *Encourages* those States that have not yet ratified or acceded to the International Labour Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries, Convention C169, to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples,[1] and welcomes the increased support by States for that Declaration;

6. *Takes note* of the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people;[6]

7. *Takes note* of the report of the Secretary-General on the midterm assessment of the progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People;[7]

8. *Calls upon* Member States to consider creating special national committees on the Second International Decade of the World's Indigenous People in order to promote the implementation of the Second Decade, and to strengthen international cooperation for the solution of problems faced by indigenous peoples in such areas as culture, education, health, human rights, the environment and social and economic development by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities, in line with the recommendations contained in the report of the Secretary-General on the midterm assessment of the Second International Decade of the World's Indigenous People;[8]

9. *Decides* to organize under the auspices of the United Nations a world Indigenous Peoples' Conference in 2014, to adopt measures to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and invites the President of the General Assembly to conduct open-ended informal consultations with Member States with a view to determining the modalities of the conference;

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[4] A/65/264.
[5] A/65/163.
[6] A/64/338.
[7] A/65/166.
[8] A/65/166, sect. IV.

10. *Requests* the Secretary-General, in consultation with Member States, relevant United Nations organizations and mechanisms and other stakeholders, including indigenous organizations, to submit to the Assembly at its sixty-seventh session a report that evaluates progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People and its impact on the achievement of the Millennium Development Goals;

11. *Decides* to continue consideration of this question under the agenda item entitled "Indigenous issues".

United Nations A/C.3/65/L.22/Rev.1

General Assembly

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12 November 2010

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Sixty-fifth session
Third Committee
Agenda items 65 (a) and (b)

Indigenous issues

Second International Decade of the World's Indigenous People

Argentina, Australia, Benin, Bolivia (Plurinational State of), Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Honduras, Mexico, Nicaragua, Norway, Panama, Peru, Uruguay and Venezuela (Bolivarian Republic of): revised draft resolution

Indigenous issues

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples,

Recalling also its resolution 59/174 of 20 December 2004 on the Second International Decade of the World's Indigenous Peoples (2005-2014),

Recalling further the 2007 United Nations Declaration on the Rights of Indigenous Peoples,[1] which addresses their individual and collective rights,

Recalling the 2005 World Summit Outcome,[2] and the outcome document of the High-Level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,[3]

Recalling also Human Rights Council resolution 15/14 of 30 September 2010, by which the Council decided to extend the mandate of the Special Rapporteur on the rights of indigenous peoples, and resolution 15/7, of 30 September 2010, on human rights and indigenous peoples,

Taking note of the first Peoples' World Conference on Climate Change and the Rights of Mother Earth, held in Tiquipaya, Cochabamba, hosted by the Plurinational State of Bolivia from 20 to 22 April 2010,

[1] Resolution 61/295, annex.
[2] See resolution 60/1.
[3] See resolution 65/1.

Please recycle

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators, and about the impediments to their full enjoyment of their rights,

1. *Welcomes* the work of the Special Rapporteur, and takes note with appreciation of his report on the situation of human rights and fundamental freedoms of indigenous people,[4] and also of his report on the Second International Decade of the World's Indigenous People;[5]

2. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations;[6]

3. *Decides* to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it can assist representatives of indigenous peoples' organizations and communities to participate in sessions of the Human Rights Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996;

4. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Populations and the United Nations Trust Fund for the Second International Decade, and invites indigenous organizations, and private institutions and individuals to do likewise;

5. *Encourages* those States that have not yet ratified or acceded to the International Labour Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries, Convention C169, to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples,[1] and welcomes the increased support by States for that Declaration;

6. *Takes note* of the report of the Secretary-General on the midterm assessment of the progress made in the achievement of the goal and objectives of the Second International Decade;[7]

7. *Calls upon* States to consider the recommendations contained in the midterm assessment of the implementation of the Second International Decade and to enhance national and international efforts, including international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities;

8. *Decides* to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of Indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and invites the President of the General Assembly to conduct open-ended consultations with Member States

[4] See A/65/264.
[5] See A/64/338.
[6] See A/65/163.
[7] A/65/166.

and with indigenous peoples' representatives in the framework of the Permanent Forum on Indigenous Issues, as well as with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur in order to determine the modalities for the meeting, including indigenous peoples' participation at the Conference;

9. *Requests* the Secretary-General, in consultation with Member States, relevant United Nations organizations and mechanisms and other stakeholders, including indigenous peoples organizations, to submit to the General Assembly at its sixty-seventh session a report that evaluates the progress made in the achievement of the goals and objectives of the Second International Decade and its impact on the achievement of the Millennium Development Goals;

10. *Decides* to continue consideration of this question at its sixty-sixth session under an item entitled "Rights of indigenous peoples".

United Nations A/C.3/65/L.23

General Assembly

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19 October 2010

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Sixty-fifth session

Third Committee

Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Algeria, Andorra, Angola, Argentina, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Norway, Netherlands, New Zealand, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu: draft resolution

Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the Convention on the Rights of the Child,[3]

Reaffirming its resolutions 62/149 and 63/168 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

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Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Encouraged by ongoing national debates and by regional initiatives on the death penalty, as well as by the readiness of an increasing number of Member States to make information available on the use of the death penalty,

Noting with appreciation the technical cooperation among Member States in relation to moratoriums on the death penalty,

1. *Welcomes* the report of the Secretary-General on the implementation of resolution 63/168[4] and the recommendations contained therein;

2. *Welcomes* the decisions taken by an increasing number of States to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

3. *Calls upon* all States that still maintain the death penalty:

(*a*) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and consider their incorporation into national law, as well as to provide the Secretary-General with information in this regard;

(*b*) To make public information such as the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, which can contribute to possible informed and transparent national debates;

(*c*) To progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed;

(*d*) To establish a moratorium on executions with a view to abolishing the death penalty;

4. *Calls upon* States which have abolished the death penalty not to reintroduce it;

5. *Invites* Member States to share their national perspectives on the death penalty in their dialogue with the High Commissioner for Human Rights during a forthcoming session of the General Assembly;

6. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution;

7. *Decides* to continue consideration of the matter at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

[4] A/65/280 and Corr.1.

United Nations A/C.3/65/L.23/Rev.1

General Assembly

Distr.: Limited
8 November 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Norway, Netherlands, New Zealand, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu: revised draft resolution

Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the Convention on the Rights of the Child,[3]

Reaffirming its resolutions 62/149 and 63/168 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

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that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Noting ongoing national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make information available on the use of the death penalty,

Noting also the technical cooperation among Member States in relation to moratoriums on the death penalty,

1. *Welcomes* the report of the Secretary-General on the implementation of resolution 63/168[4] and the recommendations contained therein;

2. *Also welcomes* the steps taken by some countries to reduce the number of offences for which the death penalty can be imposed and the decisions made by an increasing number of States to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

3. *Calls upon* all States:

(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates;

(c) To progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed;

(d) To establish a moratorium on executions with a view to abolishing the death penalty;

4. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution;

6. *Decides* to continue consideration of the matter at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

[4] A/65/280 and Corr.1.

United Nations A/C.3/65/L.24

General Assembly

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19 October 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 61
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Bulgaria, Cameroon, Croatia, Togo and Turkmenistan: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2010/246 of 22 July 2010 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the request regarding the enlargement of the Executive Committee contained in the note verbale dated 9 September 2009 from the Permanent Mission of Cameroon to the United Nations addressed to the Secretary-General,[1] the note verbale dated 23 October 2009 from the Permanent Mission of Togo to the United Nations addressed to the Secretariat,[2] the note verbale dated 27 October 2009 from the Permanent Mission of Bulgaria to the United Nations addressed to the Secretary-General,[3] the letter dated 9 February 2010 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General[4] and the letter dated 19 May 2010 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General,[5]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from seventy-nine to eighty-four States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2011.

[1] E/2010/94.
[2] E/2010/95.
[3] E/2010/86.
[4] E/2010/96.
[5] E/2010/87.

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United Nations A/C.3/65/L.24/Rev.1

General Assembly

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12 November 2010

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Sixty-fifth session
Third Committee
Agenda item 61
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Albania, Azerbaijan, Bulgaria, Cameroon, Congo, Croatia, Kyrgyzstan, Mexico, Montenegro, Russian Federation, Serbia, Togo, Turkmenistan and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decisions 2010/246 of 22 July 2010 and 2010/263 of 10 November 2010 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the request regarding the enlargement of the Executive Committee contained in the note verbale dated 9 September 2009 from the Permanent Mission of Cameroon to the United Nations addressed to the Secretary-General,[1] the note verbale dated 23 October 2009 from the Permanent Mission of Togo to the United Nations addressed to the Secretariat,[2] the note verbale dated 27 October 2009 from the Permanent Mission of Bulgaria to the United Nations addressed to the Secretary-General,[3] the letter dated 9 February 2010 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General,[4] the letter dated 19 May 2010 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General[5]

[1] E/2010/94.
[2] E/2010/95.
[3] E/2010/86.
[4] E/2010/96.
[5] E/2010/87.

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United Nations A/C.3/65/L.25

General Assembly

Distr.: Limited
19 October 2010

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Sixty-fifth session
Third Committee
Agenda item 68 (a)
Promotion and protection of human rights: implementation of human rights instruments

Austria, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Italy, Luxembourg, Malta, Netherlands, Norway, Poland, Romania, Slovenia, Spain, Sweden and Switzerland: draft resolution

Committee against Torture

The General Assembly,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1]

Welcoming the work of the Committee against Torture,

Regretting the persistent backlog of reports of States parties and individual communications awaiting consideration, which prevent the Committee from considering reports and communications in a timely manner and without undue delay,

Noting the request of the Committee that the General Assembly authorize an extension of its meeting time,

Noting also that the Committee has only 10 members and currently only meets for two sessions of three weeks a year,

1. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

2. *Decides* to authorize the Committee to meet for an additional week per session as a temporary measure, with effect from May 2011 until end November 2012.

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

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United Nations A/C.3/65/L.25/Rev.1

General Assembly

Distr.: Limited
2 November 2010

Original: English

Sixty-fifth session
Third Committee
Agenda item 68 (a)
Promotion and protection of human rights: implementation of human rights instruments

Albania, Argentina, Armenia, Austria, Brazil, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, Israel, Italy, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden and Switzerland: revised draft resolution

Committee against Torture

The General Assembly,

Recalling the Convention against Torture and other Cruel, inhuman or Degrading Treatment or Punishment,[1]

Welcoming the work of the Committee against Torture,

Regretting the persistent backlog of reports of States parties and individual communications awaiting consideration, which prevents the Committee from considering reports and communications in a timely manner and without undue delay,

Noting the request of the Committee that the General Assembly authorize an extension of its meeting time,

Noting also that the Committee has only ten members and currently only meets for two sessions of three weeks a year,

Noting further that the estimated budgetary requirements of the requested extension of meeting time will be met within the programme budget approved for the biennium 2010-2011 and will be further dealt with in the context of the proposed programme budget for the biennium 2012-2013, while bearing in mind the need to make the best possible use of resources,

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

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Taking note of the note by the Secretary-General on the evaluation of the use of additional meeting time by the human rights treaty bodies,[2] the increasing workload of the treaty bodies and the increasing number of requests from them for more meeting time,

1. *Expresses its appreciation* for the efforts made so far by the Committee against Torture to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

2. *Decides* to authorize the Committee to meet for an additional week per session as a temporary measure, with effect from May 2011 until the end of November 2012;

3. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session concrete proposals on the human rights treaty bodies, building on the work of the Secretary-General pursuant to Human Rights Council resolution 9/8 of 24 September 2008[3] and of the treaty bodies in this regard, to improve their effectiveness and to identify efficiencies in their working methods and costs in order better to manage their workloads and programmes of work, bearing in mind budgetary constraints and taking account of the varying burdens on each treaty body.

[2] A/65/317.

[3] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1).

United Nations A/C.3/65/L.26

General Assembly

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20 October 2010

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Sixty-fifth session
Third Committee
Agenda item 68 (a)
Promotion and protection of human rights: implementation of human rights instruments

Argentina, Austria, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

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Punishment,[1] without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention,

Noting that under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Emphasizing that the entry into force as soon as possible of the International Convention for the Protection of All Persons from Enforced Disappearance[4] and its implementation will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Commending the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment,

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[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[2] Ibid., vol. 75, Nos. 970-973.

[3] Ibid., vol. 2187, No. 38544.

[4] Resolution 61/177, annex.

encourages all States that have not yet done so to establish such mechanisms, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

4. *Emphasizes* the importance of States cooperating with the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment and ensuring proper follow-up to their recommendations and conclusions;

5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security, during internal political instability or any other public emergency, or through judicial decisions;

6. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed;

7. *Takes note* in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[6] as a useful tool in efforts to prevent and combat torture and of the updated set of principles for the protection of human rights through action to combat impunity;[7]

8. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

9. *Urges* States to ensure that no authority or official orders, applies, permits or tolerates any sanction against any person or organization for having communicated to any national or international monitoring or preventive body or to their delegates any information regarding allegations of torture or other cruel, inhuman or degrading treatment or punishment, and that States do not in any way prejudice a person or organization for communicating such information;

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[5] Resolution 57/199, annex.

[6] Resolution 55/89, annex.

[7] See E/CN.4/2005/102/Add.1.

10. *Calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

11. *Also calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[8] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

12. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty, and to ensure that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

13. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

14. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes a safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

15. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

16. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

17. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

18. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture,

[8] Resolution 61/106, annex I.

and encourages other States to do likewise, bearing in mind the need to fight impunity;

19. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres for victims of torture and to ensure the safety of their staff and patients;

20. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

21. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

22. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement;

23. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment or punishment;

24. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

25. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20, and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee against Torture as soon as possible;

26. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

27. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention,[9] recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working methods;

28. *Invites* the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-sixth session under the sub-item entitled "Implementation of human rights instruments";

29. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

30. *Welcomes* the interim report of the Special Rapporteur,[10] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

31. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

32. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

33. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with regional organizations and mechanisms, as appropriate, and civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

34. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and

[9] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 44* (A/65/44).
[10] See A/65/273.

organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

35. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

36. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-sixth session a report on the operations of the Funds;

37. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including in particular the Committee against Torture, the Subcommittee on Prevention of Torture and the Special Rapporteur on torture, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their assignments;

38. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

39. *Decides* to consider at its sixty-sixth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

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Sixty-fifth session
Third Committee
Agenda item 68 (a)
Promotion and protection of human rights: implementation of human rights instruments

Andorra, Albania, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Montenegro, Morocco, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

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Punishment,[1] without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention,

Noting that under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Emphasizing that the entry into force as soon as possible of the International Convention for the Protection of All Persons from Enforced Disappearance[4] and its implementation will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Commending the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, encourages all States that have not yet done so to establish such mechanisms, and calls upon States parties to the Optional Protocol to the Convention against Torture

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[2] Ibid., vol. 75, Nos. 970-973.
[3] Ibid., vol. 2187, No. 38544.
[4] Resolution 61/177, annex.

and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

4. *Emphasizes* the importance of States' ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

6. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed;

7. *Takes note* in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[6] as a useful tool in efforts to prevent and combat torture and of the updated set of principles for the protection of human rights through action to combat impunity;[7]

8. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

9. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction or other prejudice against any person or organization for having been in contact with any national or international monitoring or preventive body active in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment;

10. *Calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

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[5] Resolution 57/199, annex.

[6] Resolution 55/89, annex.

[7] See E/CN.4/2005/102/Add.1.

11. *Also calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[8] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

12. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty, and to ensure that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

13. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

14. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

15. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

16. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

17. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

18. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

19. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social,

[8] Resolution 61/106, annex I.

psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

20. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

21. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

22. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement;

23. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment or punishment;

24. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

25. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20, and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee against Torture as soon as possible;

26. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

27. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention,[9] recommends that the Committee continue to include information on the follow-up by States to its recommendations,

[9] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 44* (A/65/44).

and supports the Committee in its intention to further improve the effectiveness of its working methods;

28. *Invites* the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-sixth session under the sub-item entitled "Implementation of human rights instruments";

29. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

30. *Takes note with appreciation* of the interim report of the Special Rapporteur,[10] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

31. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

32. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

33. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with regional organizations and mechanisms, as appropriate, and civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

34. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the

[10] See A/65/273.

recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

35. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

36. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-sixth session a report on the operations of the Funds;

37. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including in particular the Committee against Torture, the Subcommittee on Prevention of Torture and the Special Rapporteur on torture, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

38. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

39. *Decides* to consider at its sixty-sixth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

United Nations A/C.3/65/L.27

General Assembly

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Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Austria, Belgium, Benin, Brazil, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Luxembourg, Madagascar, Mauritius, Morocco, Netherlands, Poland, Portugal, Senegal, Slovakia, Slovenia, Spain, Sudan, Sweden, Thailand and United Kingdom of Great Britain and Northern Ireland: draft resolution

The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

The General Assembly,

Reaffirming its commitment to the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] which reaffirmed the important and constructive role played by national human rights institutions,

Reaffirming its resolution 63/169 of 18 December 2008 regarding the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights, welcomed by the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Reaffirming its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolution 64/161 of 18 December 2009,

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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Welcoming the rapidly growing interest throughout the world in the creation and strengthening of the Ombudsman, mediator and other national human rights institutions for the promotion and protection of human rights and recognizing the important role these institutions can play, in accordance with their mandate, in support of domestic complaint resolution,

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underlining the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to the field of their competences,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can have an important role in advising the Government with respect to bringing national legislation and national practices in line with their international human rights obligations,

Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediators and other national human rights institutions in promoting cooperation and sharing best practices,

Noting with satisfaction the establishment of the Association of Mediterranean Ombudsmen, the active continuing work of the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of the Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network and the International Ombudsman Institute,

1. *Takes note with appreciation* of the report of the Secretary-General on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights;[3]

2. *Encourages* Member States:

(a) To consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions;

(b) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of Ombudsman, mediator and other national human rights institutions;

[3] A/65/340.

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,[2] it is the right of each State to choose the framework for national institutions, including Ombudsman, mediator and other national human rights institutions, that is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Takes note* of the participation of the Office of the United Nations High Commissioner for Human Rights at the World Conference of the International Ombudsman Institute in Stockholm in June 2009, and welcomes the active participation of the Office in all international and regional meetings of Ombudsman, mediator and other national human rights institutions;

5. *Encourages* the Office of the High Commissioner for Human Rights, through its advisory services, to develop and support activities dedicated to existing Ombudsman, mediator and other national human rights institutions and to strengthen their role within national systems for human rights protection;

6. *Encourages* Ombudsman, mediator and other national human rights institutions, where they exist:

(a) To operate, as appropriate, in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights[4] and other relevant international instruments, in order to strengthen their independence and autonomy and enhance their capacity, to assist Member States in the promotion and protection of human rights;

(b) To request, in cooperation with the Office of the United Nations High Commissioner for Human Rights, their accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;

7. *Requests* the Secretary General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution.

[4] Resolution 48/134, annex.